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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,209	08/15/2003	Alexander Zemickel	ZERNICKEL-2	4020
20151	7590	02/24/2005	EXAMINER	
HENRY M FEIEREISEN, LLC 350 FIFTH AVENUE. SUITE 4714 NEW YORK, NY 10118			JOYCE, WILLIAM C	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/643,209

Applicant(s)

ZERNICKEL ET AL.

Examiner

William C. Joyce

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.  
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.  
4a) Of the above claim(s) 9-17, 20 and 22-24 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1, 2, 6-8, 18, 19 and 21 is/are rejected.  
7) ☒ Claim(s) 3-5 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☒ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This Office Action is in response to the amendment filed December 6, 2004 for the above identified patent application.

#### ***Claim Rejections - 35 USC § 112***

1. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation "in parallel relationship to the normal" in dependent claim 19 is not fully understood because applicant has defined the axis as "out-of-alignment with a normal" in independent claim 18.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller (US Patent 3,427,656).

Miller discloses a linear guide (see Figs. 1 and 5) having a shaft defining a longitudinal axis, the shaft received in a housing and movable in the direction of the axis in relation to the housing, said linear guide comprising plural axial rolling bearings

received in the housing in surrounding relationship to the shaft, wherein the plural axial rolling bearings are disposed in at least two radial planes in axial spaced-apart relationship (see column 3, lines 9-15), wherein the axial rolling bearings in each of the two radial planes have each two bearing members and a set of rolling balls disposed between the bearing members, wherein one bearing member is constructed as a bushing (52) which is retained by the housing and defines a center axis which is shifted in parallel relationship at an offset to a normal which extends upon a longitudinal shaft axis and intersects the one bearing member, wherein the other bearing member (27) has a cup-shaped configuration to define a convex surface for support by a surface area of the shaft.

With respect to claims 7 and 8, Miller teaches a rubber ring (78) configure to bias the contact member (74) against the shaft.

4. Claims 18, 19, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Mainardi (US Patent 5,6920,259).

Mainardi illustrates a linear guide for transmitting a torque between a tubular housing, which is defined by a longitudinal axis and rotatable about the longitudinal axis, and a shaft, which is received in the housing and movable in the direction of the axis in relation to the housing, said linear guide comprising plural axial rolling bearings received in the housing in surrounding relationship to the shaft, wherein the plural axial rolling bearings are disposed in two radial planes in axial spaced-apart relationship, wherein the rolling bearings in each of the two radial planes have each two bearing members and a set of rolling ball bearings (7), wherein one bearing member (located in

Art Unit: 3682

the bore 9,13b, see column 2, lines 34+) is constructed as a bushing which is retained in the housing and defines a center axis which is oriented out-of-alignment with a normal which extends upon the longitudinal axis and intersects the one bearing member, wherein the other bearing member has a cup-shaped configuration to define a convex surface for support by a surface area of the shaft.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (US Patent 3,427,656).

Miller illustrates the bushing (52) being screwed into the housing, but does not disclose the bushing being pressed into the housing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the threaded joint of the bushing with well known press-fit joint, since threading and press-fitting joints were considered equivalent joining means in the art, and applicant has not clearly disclosed that the press-fit joint solves any stated problem as compared to a threaded joint.

***Allowable Subject Matter***

7. Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Joyce whose telephone number is (703) 305-5114. The examiner can normally be reached on Monday - Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
William C. Joyce 2/21/05